should be available as a defence for printers of contemptuous materials.

The fifth respondents: the distributors

It is sufficient for me to say that the same considerations that apply to the printers equally apply to the fifth respondents, who were the distributors of the AWSJ.

For all these reasons, I hold all the respondents liable for contempt of court for having brought into existence by publishing, printing and distributing the article in the AWSJ.

Application allowed.

Solicitors: *Murphy & Dunbar; Drew & Napier; Palakrishnan & Partners.*

Reported by *S Surenthiraraj*

Attorney General v Wain & Ors (No 2)

HIGH COURT (SINGAPORE) — ORIGINATING MOTION NO 126 OF 1989
SINNATHURAY J
11 JANUARY 1991

Civil Procedure — Contempt of court — Penalty — Jurisdiction of court to punish for the same — Factors to be considered in punishing

The facts appear in the main report at p 525. This report is concerned only with the grounds on penalty.

Held, sentencing the respondents:

(1) The editor had failed in his duty to vet the statement before publishing the press statement. He is ordered to pay a penalty of $4,000 and the costs of the proceedings.

(2) The publisher was in charge of the business side of AWSJ, and he knew nothing of the statement. He is ordered to pay a penalty of $1,000 and the costs.

(3) The proprietor will pay a penalty of $4,000 and the costs of the proceedings.

(4) The printers and distributors had no control before the publication of the particular issue of AWSJ. They are ordered only to pay the costs of these proceedings.

Tan Boon Teik (Attorney General) in person (*Sowaran Singh* and *Yap Huan Lan* with him).
Dr Myint Soe (*Lalita Seenivasan* with him) for the first, second and third respondents.
K Shanmugam for the fourth respondent.
Palakrishnan (*Amarjit Singh* with him) for the fifth respondents.

Cur Adv Vult

Sinnathuray J: After having found the respondents liable for contempt of court for having brought into existence by publishing, printing and distributing the article in the AWSJ, I heard submissions on penalty. I then delivered the following grounds.

I can now deal quite briefly on the penalty to be imposed in these proceedings in respect of each of these respondents.

The one main fact I bear in mind with regard to penalty is the submission made by Mr Robertson for the first three respondents and it would equally apply to the fourth and fifth respondents that this court's jurisdiction to punish for contempt of court is strictly territorial and that the AWSJ was gazetted and permitted to circulate only 400 copies in Singapore. As regards these 400 copies that were circulated in Singapore, I have already, in my judgment, in dealing with the distributors, given an itemized account of how the 400 copies were in fact distributed.

Having said that, so far as liability is concerned, I have already expressed my views, and it is that the first and third respondents who are wholly responsible for it.

The first respondent, as the editor, had a duty to vet the press statement issued by the president of Dow Jones. He had in this regard failed in his duty. I have in front of me the news report published in the *Far Eastern Economic Review*. It is an abbreviated version of the press statement that had been made by Mr Peter Kann for Dow Jones. It appeared in the *Review* on 14 December 1989. The editor had very properly left out the objectionable parts of the press statement. In deciding the penalty on the first respondent one other consideration I must bear in mind, and I accept, of course, his apology if he is found liable as he has been. I order that he pays a penalty of $4,000 and the costs of these proceedings.

Next, the second respondent, Mr Wilson. He was the publisher and in charge of the business side of the *Asian Wall Street Journal*. I have considered the statement he gave to Inspector Scully. I accept his statement that he knew nothing about this press statement that was published in AWSJ. Bearing in mind again that my jurisdiction is territorial, I will in his case order that he pays a penalty of $1,000 and the costs.

As for Dow Jones, I have already said enough. They would pay a penalty of $4,000 and the costs of these proceedings.

As for the fourth and fifth respondents, I accept the facts as stated by the deponents in the affidavits. It is altogether clear that they had no control. They could not have exercised any control before the publication of the particular issue of the AWSJ. I think justice will be served in this case that they be ordered to pay only the costs of these proceedings.

I hereby certify the above grounds on penalty.

Order accordingly.

Solicitors: *Murphy & Dunbar; Drew & Napier; Palakrishnan & Partners.*

Reported by *S Surenthiraraj*